

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Richard L. Nisewonger Sr.**  
**aka Richard L. Nisewonger**  
**Michelle A. Nisewonger**  
**fka Michelle A. Gillespie**  
Debtor(s)

Bankruptcy Case No.: 19-70166-JAD  
Issued Per 12/5/2019 Proceeding  
Chapter: 13  
Docket No.: 41 – 34, 39  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 16, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 13 of Freedom Mortgage, Corporation with payment changes implemented .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 6 of Holiday Financial Services; Claim No. 4 of OneMain Financial; Claim No. 1 of Snap On Credit, LLC.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 6, 2019

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Richard L. Nisewonger, Sr.  
 Michelle A. Nisewonger  
 Debtors

Case No. 19-70166-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: msch  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 32

Date Rcvd: Dec 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 08, 2019.  
 db/jdb

+Richard L. Nisewonger, Sr., Michelle A. Nisewonger, 1929 Walton Avenue,  
 Altoona, PA 16602-4543  
 15017632 +City of Baltimore, 200 Holliday Street, Baltimore, MD 21202-3618  
 15017633 +Credit Control Collections, 2410 Broad Avenue, Altoona, PA 16601-1940  
 15017635 Equifax, 1550 Peachtree Street, NW, Atlanta, GA 30309-2468  
 15017636 +Experian, 701 Experian Parkway, Allen, TX 75013-3715  
 15017637 +Fair Collections and Outsourcing, 12304 Baltimore Ave., Ste E, Beltsville, MD 20705-1314  
 15017638 +Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764  
 15017640 +Holiday Financial Services, 112 Hollidaysburg Plaza, Duncansville, PA 16635-8410  
 15017642 +My Great Lakes, PO Box 790321, Saint Louis, MO 63179-0321  
 15031186 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,  
 Pittsburgh, PA 15233-1828  
 15017644 +ROI, PO Box 62850, Baltimore, MD 21264-2850  
 15017645 +SNAP ON CREDIT LLC, 950 TECHNOLOGY WAY, SUITE 301, LIBERTYVILLE IL 60048-5339  
 (address filed with court: Snap On Credit LLC, 950 Technology Way, Suite 301,  
 Libertyville, IL 60048)  
 15017646 +Theresa C. Homady, Esquire, 317 Union Street, Suite 105, Hollidaysburg, PA 16648-2097  
 15056805 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,  
 MADISON, WI, 53708-8973  
 15017648 +UPMC, PO Box 371980, Pittsburgh, PA 15250-7980  
 15059813 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123  
 15059812 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr

+E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 07 2019 02:38:03  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 15017629 +E-mail/Text: bankruptcy@rentacenter.com Dec 07 2019 02:41:19 Acceptance Now,  
 5501 Headquarters, Plano, TX 75024-5837  
 15017630 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 07 2019 02:39:13 Capital One Bank,  
 Bankruptcy Claims Servicer, PO Box 30285, Salt Lake City, UT 84130-0285  
 15030534 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 07 2019 02:37:59  
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
 Charlotte, NC 28272-1083  
 15017631 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 07 2019 02:37:59  
 Capital One Services, LLC, PO Box 30285, Salt Lake City, UT 84130-0285  
 15017634 E-mail/PDF: creditonebknofifications@resurgent.com Dec 07 2019 02:38:41 Credit One Bank,  
 PO Box 98873, Las Vegas, NV 89193-8873  
 15017639 E-mail/Text: brnotices@dor.ga.gov Dec 07 2019 02:40:08 Georgia Department of Revenue,  
 PO Box 105499, Atlanta, GA 30348  
 15017641 +E-mail/Text: support@ljross.com Dec 07 2019 02:40:09 LJ Ross, PO Box 6099,  
 Jackson, MI 49204-6099  
 15058998 E-mail/PDF: resurgentbknofifications@resurgent.com Dec 07 2019 02:38:10 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 15030649 +E-mail/PDF: cbp@onemainfinancial.com Dec 07 2019 02:39:04 OneMain, PO Box 3251,  
 Evansville, IN 47731-3251  
 15017643 +E-mail/PDF: cbp@onemainfinancial.com Dec 07 2019 02:39:04 OneMain Financial, PO Box 3327,  
 Evansville, IN 47732-3327  
 15017787 +E-mail/PDF: gecsedirecoverycorp.com Dec 07 2019 02:37:55 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 15017647 E-mail/Text: DASPUBREC@transunion.com Dec 07 2019 02:39:59 Trans Union,  
 555 West Adams Street, Chicago, IL 60661  
 15057744 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 07 2019 02:38:47 Verizon,  
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457  
 15017649 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 07 2019 02:41:05 Webbank/Fingerhut,  
 6250 Ridgewood Rd., Saint Cloud, MN 56303-0820

TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr FREEDOM MORTGAGE CORPORATION  
 cr\* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,  
 Pittsburgh, PA 15233-1828  
 15063394\* Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764

TOTALS: 1, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-7

User: msch  
Form ID: 149

Page 2 of 2  
Total Noticed: 32

Date Rcvd: Dec 06, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 08, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor FREEDOM MORTGAGE CORPORATION bkgroup@kmlawgroup.com  
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com  
Theresa C Homady on behalf of Debtor Richard L. Nisewonger, Sr. thomady1@msn.com,  
homady@gmail.com; homadylaw@gmail.com; kac52on@gmail.com; tchomady@comcast.net; thomadybk@gmail.com  
Theresa C Homady on behalf of Joint Debtor Michelle A. Nisewonger thomady1@msn.com,  
homady@gmail.com; homadylaw@gmail.com; kac52on@gmail.com; tchomady@comcast.net; thomadybk@gmail.com  
TOTAL: 6